

Comptroller of the Currency, Treasury

§ 3.2

financial products on bank premises; and

(2) The person is not involved in the bank's credit decision process.

§ 2.4 Bonus and incentive plans.

A bank employee or officer may participate in a bonus or incentive plan based on the sale of credit life insurance if payments to the employee or officer in any one year do not exceed the greater of:

(a) Five percent of the recipient's annual salary; or

(b) Five percent of the average salary of all loan officers participating in the plan.

§ 2.5 Bank compensation.

(a) Nothing contained in this part prohibits a bank employee, officer, director, or principal shareholder who holds an insurance agent's license from agreeing to compensate the bank for the use of its premises, employees, or good will. However, the employee, officer, director, or principal shareholder shall turn over to the bank as compensation all income received from the sale of the credit life insurance to the bank's loan customers.

(b) Income derived from credit life insurance sales to loan customers may be credited to an affiliate operating under the Bank Holding Company Act of 1956, 12 U.S.C. 1841 *et seq.*, or to a trust for the benefit of all shareholders, provided that the bank receives reasonable compensation in recognition of the role played by its personnel, premises, and good will in credit life insurance sales. Reasonable compensation generally means an amount equivalent to at least 20 percent of the affiliate's net income attributable to the bank's credit life insurance sales.

PART 3—MINIMUM CAPITAL RATIOS; ISSUANCE OF DIRECTIVES

Subpart A—Authority and Definitions

Sec.

- 3.1 Authority.
- 3.2 Definitions.
- 3.3 Transitional rules.
- 3.4 Reservation of authority.

Subpart B—Minimum Capital Ratios

- 3.5 Applicability.
- 3.6 Minimum capital ratios.
- 3.7 Plan to achieve minimum capital ratios.
- 3.8 Reservation of authority.

Subpart C—Establishment of Minimum Capital Ratios for an Individual Bank

- 3.9 Purpose and scope.
- 3.10 Applicability.
- 3.11 Standards for determination of appropriate individual minimum capital ratios.
- 3.12 Procedures.
- 3.13 Relation to other actions.

Subpart D—Enforcement

- 3.14 Remedies.

Subpart E—Issuance of a Directive

- 3.15 Purpose and scope.
- 3.16 Notice of intent to issue a directive.
- 3.17 Response to notice.
- 3.18 Decision.
- 3.19 Issuance of a directive.
- 3.20 Change in circumstances.
- 3.21 Relation to other administrative actions.

INTERPRETATIONS

- 3.100 Capital and surplus.

APPENDIX A TO PART 3—RISK-BASED CAPITAL GUIDELINES

APPENDIX B TO PART 3—RISK-BASED CAPITAL GUIDELINES; MARKET RISK ADJUSTMENT

AUTHORITY: 12 U.S.C. 93a, 161, 1818, 1828(n), 1828 note, 1831n note, 1835, 3907, and 3909.

SOURCE: 50 FR 10216, Mar. 14, 1985, unless otherwise noted.

Subpart A—Authority and Definitions

§ 3.1 Authority.

This part is issued under the authority of 12 U.S.C. 1 *et seq.*, 93a, 161, 1818, 3907 and 3909.

[59 FR 64563, Dec. 15, 1994]

§ 3.2 Definitions.

For the purposes of this part:

(a) *Adjusted total assets* means the average total assets figure required to be computed for and stated in a bank's most recent quarterly *Consolidated Report of Condition and Income* (Call Report) minus end-of-quarter intangible assets and deferred tax assets that are